

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CAUSE NO. 2:16-CR-174-RL-JEM
)	
JEFFERY SIMS,)	
Defendant.)	

**AMENDED FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY BY DEFENDANT JEFFERY SIMS**

TO: THE HONORABLE RUDY LOZANO,
UNITED STATES DISTRICT COURT

Upon Defendant Jeffery Sims's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge John E. Martin on June 28, 2017, with the consent of Defendant Sims, counsel for Defendant Sims, and counsel for the United States of America.

The hearing on Defendant Sims's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Sims under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Sims,

I FIND as follows:

(1) that Defendant Jeffery Sims understands the nature of the charge against him to which the plea is offered;

(2) that Defendant Jeffery Sims understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;

(3) that Defendant Jeffery Sims understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant Jeffery Sims understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Jeffery Sims has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Jeffery Sims is competent to plead guilty;

(6) that Defendant Jeffery Sims understands that her answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Jeffery Sims's plea; and further,

I RECOMMEND that the Court accept Jeffery Sims's plea of guilty to the offense charged in Counts Six and Seven of the Second Superseding Indictment and that Defendant Jeffery Sims be adjudged guilty of the offense charged in Counts Six and Seven of the Second Superseding Indictment and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Jeffery Sims be adjudged guilty, sentencing before Senior Judge Rudy Lozano will be set at a later date by separate order. Objections to the Findings and Recommendation are waived unless filed and served within fourteen (14) days. *See* 28 U.S.C. § 636(b)(1).

So ORDERED this 22nd day of August, 2017.

s/ John E. Martin
MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: All counsel of record
Honorable Rudy Lozano